



Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

The Commonwealth of Massachusetts
Department of Public Safety
One Ashburton Place, Room 1301
Boston, Massachusetts 02108-1618

Phone (617) 727-3200

Fax (617) 727-5732

TTY (617) 727-0019

www.mass.gov/dps

Daniel Bennett
Secretary

Matt Carlin
Commissioner

Minutes

Board of Elevator Regulations

**One Ashburton Place, 13th Floor Room 1301,
Department of Public Safety Conference Room
August 23, 2016 - 1:00PM**

Board Members Present:

Stephen Sampson, Chairman
David Gaudet
John O'Donoghue
David Morgan
Cheryl Davis

Guest Present:

Brandi Sims (Hidral USA, Inc.)
Lawrence Jones Jr. (Garaventa)
Barbara Lagergren (GCI)
Margaret Carroll-Bergman (Thoreau Farms)
Ken Lizotte (Thoreau Farms)
Jeffrey P. Curtis, Esq. (Attorney)
Jeff Halley (Halley Elevator)
Ruthy Barros (DPS)

Board Members Absent:

Thomas Riley
Harold J. McGonagle
Michael J. Nicoloro Jr.

1. The Board of Elevator Regulations reviewed the minutes pertaining from the BER meeting that has held on August 2, 2016. **A motion to accept the minutes with the noted corrections was made by David Morgan. The motion was seconded by Cheryl Davis. Vote: 5-0; Granted.**

The Board discussed the following:

2. **Hidral USA, Inc.**

Product Variance

Petitioner: Brandi Sims

The petitioner came before the Board seeking a product variance. The petitioner stated that Hidral USA is strictly a manufacturing company for commercial and residential elevators, they do not install, and they only manufacture hydraulic equipment. Hidral USA manufactures structural components and they partner up with industry suppliers. Hidral USA has been manufacturing in the European market for about 45 years and put out about 4,500 units per year. In 2013, the first U.S. manufacturing plant was operating in South Carolina. Hidral USA has had products installed all throughout the U.S. The company specializes in custom applications and have pre-engineered packages for VRC's, Material Lift Type B's, Freight Elevators, Passenger Elevators, Residential Elevators, LULA's and Automobile Elevators. A motion was put forth by Cheryl Davis to place the petition on hold for 30 days pending further research, so the Board can make a decision on whether the petitioner would require a variance. The motion was seconded by David Morgan.

Motion by: Cheryl Davis

Seconded by: David Morgan

Vote: 5-0; Place on hold for 30 days.

3. **Gould Construction Institute**

Apprentice Course Curriculum

Petitioners: Barbara A. Lagergren

The petitioner came before the Board seeking approval for an Apprentice Course Curriculum at the Gould Construction Institute. The petitioner stated that the Gould Construction Institute is a private non-profit school that has provided high-level construction training, craft, safety and professional development for the past 30 years. The Institute is fully licensed by the Massachusetts Division of Professional Licensure with over 760 students. A motion was put forth by David Morgan to place the petition under advisement for further discussion and research. The motion was seconded by John O'Donoghue.

Motion: David Morgan

Seconded by: John O'Donoghue

Vote: 5-0; Place under advisement.

4. **341 Virginia Road – Concord, MA**

Unit: 67-W-210

Relief from Inspector's Report

524 CMR 2000.13

Owner: Thoreau Farm Trust

Petitioner: Margaret Carroll-Bergman

The petitioner came before the board seeking relief from two code violations cited on Inspector's Report No. 155878, dated October 9, 2014. The petitioner stated she is seeking relief due to the following justifications: the wheelchair lift passed inspection on September 17, 2009 when it was first installed, the lift failed inspection five years later after not having been in use, economic hardship and minimal risk to the public. The petitioner stated that the lift will be in compliance in regards to the remaining listed violations. A motion was put forth by David Morgan to place the petition on hold for further information obtained by a State Inspector within a week. The motion was seconded by John O'Donoghue.

Motion: David Morgan

Seconded by: John O'Donoghue

Vote: 5-0; Place on hold.

5. **148 Main Street – North Andover, MA**

Unit: 210-P-15

Relief from Inspector's Report

524 CMR 7.01(1)

Owner: Great North Property Management

Petitioner: Jeffrey P. Curtis, Esq.

The petitioner came before the board seeking relief from the Inspector's Report, dated June 23, 2016. The petitioner stated they are seeking relief from the cited 524 CMR 7.01(1) code, which places affirmative duty on the owner to maintain the elevator in proper working order. The petitioner stated the State Inspector cited the owner due to the fact the brake drum was off center from the brake pads. The petitioner stated that there were no indications from the Inspector that the brake was not operating properly. Halley Elevator has had a maintenance contract for this elevator since 2009. The petitioner stated that one side of the brake pad over hangs the brake drum by 1/2 an inch and the other side 3/8 of an inch if pad not covering the drum. The brake drum measures 4 1/2 inches wide, with a 5 inch shoe. Jeff Halley stated that the elevator will lift and stop at 100% rated load and has been tested twice since 2009. A motion was put forth by David Gaudet to allow relief from the Inspector's Report dated June 23, 2016, citing brake drum is off center from brake pads. The Board's justification was due to the testimony and through excellent questioning from David Morgan. The motion was seconded by John O'Donoghue.

Motion: David Gaudet

Seconded by: John O'Donoghue

Vote: 5-0; Granted.

1. A motion was put forth by David Gaudet to accept the withdrawal request for the petitioner of 105 Alstead Street, Quincy, MA (State ID 243-P-10). The motion was seconded by David Morgan.

Motion: David Gaudet

Seconded by: David Morgan

Vote: 5-0; Granted.

Matters not reasonably anticipated 48 hours in advance of meeting

The Board noted that petitioner for 50 Old Webster, Oxford, MA has requested to postpone for a later hearing date.

Exhibit List:

Exhibit 1: Meeting minutes from August 2, 2016

Exhibit 2: Variance Petition – Hidral USA, Inc – Product Variance

Exhibit 3: Variance Petition – Gould Construction Institute – Woburn, MA

Exhibit 4: Variance Petition – 341 Virginia Road – Concord, MA

Exhibit 5: Variance Petition – 148 Main Street – North Andover, MA

Exhibit 5: Request for withdrawal – 105 Alstead Street – Quincy, MA

Motion to adjourn by: John O'Donoghue

Seconded by: David Morgan

Vote: 5-0; Granted.

Hearing Concluded at 2:26 p.m.

Prepared by: Ruthy Barros